

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LYNETTE M. PETRUSKA,  
Plaintiff

v.

GANNON UNIVERSITY, *et al.*,  
Defendants

CA 1:04-cv-00080

Hon. Sean J. McLaughlin

Jury Trial Demanded

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**Fed. R. Civ. P. 26(f) REPORT OF THE PARTIES**

COME NOW the parties pursuant to this Court's Order dated April 28, 2008 and Fed.R.Civ.P. 26(f) and make the following report of the parties:

**1. Identification of counsel and unrepresented parties.**

C. John Pleban  
2010 S. Big Bend Blvd.  
St. Louis, MO 63117  
314-645-6666 (phone)  
314-645-7376 (fax)  
cpleban@plebanlaw.com  
Counsel for Plaintiff

Ann Drea Benson  
12270 Woodside Dr  
Edinboro, PA 16412  
814-734-3428 (phone)  
814-734-3428 (fax)  
benson\_mcfarlane@verizon.net  
Local Counsel for Plaintiff

Evan C. Rudert  
150 East 8<sup>th</sup> Street  
Erie, Pennsylvania 16501  
814-456-4000 (phone)  
814-454-7411 (fax)  
ecrudert@elderkinlaw.com  
Counsel for Defendants, Gannon  
University, Bishop Donald W.  
Trautman, Monsignor David Rubino  
and Antoine Garibaldi, in their official  
capacities

Arthur D. Martinucci  
Frank L. Kroto, Jr.  
2222 West Grandview Boulevard  
Erie, Pennsylvania 16506-4508  
814-833-2222 (phone)  
814-833-6753 (fax)  
amartinucci@quinnfirm.com  
fkroto@quinnfirm.com  
Counsel for Defendants, Bishop Donald  
W. Trautman, Monsignor David Rubino  
and Antoine Garibaldi, in their  
individual capacities

Paul M. Pohl  
Bryan D. Kocher  
Leon F. DeJulius, Jr.  
April T. Dugan  
500 Grant Street, 31st Floor  
Pittsburgh, PA 15219  
Telephone: (412) 391-3939  
Fax: (412) 394-7659  
pmpohl@jonesday.com  
bdkocher@jonesday.com  
lfdejulius@jonesday.com  
atdugan@jonesday.com  
Co-Counsel for Defendants, Bishop  
Donald W. Trautman and Monsignor  
David Rubino

**2. Set forth the general nature of the case (patent, civil rights, anti-trust, class action, etc):** Fraudulent misrepresentation and breach of contract.

**3. Date Rule 26(f) Conference was held, the identification of those participating therein and the identification of any party who may not yet have been served or entered an appearance as of the date of said Conference:** May 8, 2008

**4. Date of Rule 16 Initial Scheduling Conference as scheduled by the Court:** June 5, 2008 at 1:30 p.m.

**5. Identify any party who has filed or anticipates filing a dispositive motion pursuant to Fed. R. Civ. P. 12 and the date(s) by which any such anticipated motion may be filed:** The Defendants anticipate that any additional Rule 12 Motions will be filed by July 28, 2008

**6. Designate the specific Alternative Dispute Resolution (ADR) process the parties have discussed and selected and specify the anticipated time frame for completion of the ADR process.** The parties have not determined if ADR will be appropriate in this matter.

**7. Set forth any change that any party proposes to be made in the timing, form or requirements of Fed. R. Civ. P. Rule 26(a) disclosures, whether such change is opposed by any other party, whether any party has filed a motion seeking such change and whether any such motion has been ruled on by the Court:** See subpart 9(a) below.

**8. Subjects on which fact discovery may be needed. (By executing this report, no party shall be deemed to (1) have waived the right to conduct**

**discovery on subjects not listed herein or (2) be required to first seek the permission of the Court to conduct discovery with regard to subjects not listed herein):** The parties anticipate conducting discovery as to any nonprivileged matter that is relevant to their claims and defenses.

9. **Set forth suggested dates for the following:**
  - a. **Date(s) on which disclosures required by Fed. R. Civ. P. 26(a) have been or will be made:** May 26, 2008
  - b. **Date by which any additional parties shall be joined:** July 28, 2008
  - c. **Date by which the pleadings shall be amended:** July 28, 2008
  - d. **Date by which fact discovery should be completed:** January 26, 2009. Plaintiff is concerned that fact discovery may not be able to be completed by January 26, 2009 if this Court adopts Defendants position that discovery be conducted in phases.
  - e. **If the parties agree that discovery should be conducted in phases or limited to or focused on particular issues, identify the proposed phases or issues and the dates by which discovery as to each phase or issue should be completed:**

The parties cannot reach agreement on this point. Defendants propose that discovery first be conducted with regard to damages, and then as to liability issues. Plaintiffs propose that discovery not be conducted in phases or focused on particular issues.
10. **If the parties agree that changes should be made to the limitations on discovery imposed by the Federal Rules of Civil Procedure or Local Rule or that any other limitations should be imposed on discovery, set forth such changes or limitations:** Not applicable.
11. **Set forth whether the parties have considered the need for special deadlines, procedures or orders of court dealing with discovery of electronically-stored information (electronic discovery), including the need for the preservation of discoverable information and the protection of the right to assert privilege(s) after the production of privileged information and if so, set forth the results of such consideration:** The disclosure or discovery of electronically stored information shall be handled by the parties on an ongoing basis, as necessary, based upon the availability and/or existence of electronically stored information, if any.

12. **Set forth whether the parties have elected to schedule the Post-Discovery Status Conference following the completion of Fact Discovery or Expert Discovery; in either event the parties shall be prepared at the Post-Discovery Status Conference to discuss and/or schedule the following:** The parties elect to schedule the Post-Discovery Status Conference after the completion of Fact Discovery.
13. **Set forth any other order(s) that the parties agree should be entered by the court pursuant to Fed. R. Civ. P. 16(b) or 26(c):** None at this time.
14. **Set forth whether the parties anticipate that the court may have to appoint a special master to deal with any matter and if so, specify the proposed role of any such master and any special qualifications that such master may require to perform such role:** Not anticipated.
15. **If the parties have failed to agree with regard to any subject for which a report is required as set forth above, except for proposed dates required in paragraph 9, above, briefly set forth the position of each party with regard to each matter on which agreement has not been reached:**
16. **Set forth whether the parties have considered the possibility of settlement of the action and describe briefly the nature of that consideration:** The parties attempted a settlement of this action without success.

Respectfully submitted,

Pleban & Associates, LLC

Elderkin, Martin, Kelly & Messina

By: /s/C. John Pleban  
C. John Pleban  
2010 S. Big Bend Blvd.  
St. Louis, MO 63117  
314-645-6666 (phone)  
314-645-7376 (fax)  
cpleban@plebanlaw.com  
Counsel for Plaintiff

By: /s/Evan C. Rudert  
Evan C. Rudert  
150 East 8<sup>th</sup> Street  
Erie, Pennsylvania 16501  
814-456-4000 (phone)  
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Quinn, Buseck, Leemhuis, Toohey &  
Kroto, Inc.

/s/AnnDrea Benson  
Ann Drea Benson  
12270 Woodside Dr  
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814-734-3428 (phone)  
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Arthur D. Martinucci  
Frank L. Kroto, Jr.  
2222 West Grandview Boulevard  
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Jones Day

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